

REMARKS

Status of Claims:

Claims 1-13 were originally filed with the patent application. No claims are being canceled by this Amendment and Response. Claims 14-23 are being added by this Amendment and Response.

5 Therefore, Claims 1-23 will be pending upon entry of this Amendment and Response.

Office Action References:

Applicant expressly reserves the right to respond to any rejection using one or more 35 U.S.C. §102(e) references by filing an appropriate affidavit under 37 C.F.R. §1.131 in any
10 subsequent Response.

Allowable Subject Matter:

The Examiner has indicated that Claim 9 would be allowable if presented in independent form and upon addressing what the Examiner considered to be a number of informalities in relation
15 to Claims 8 and 9. New independent Claim 23 is based upon dependent Claim 9 being put into independent form, addresses the §112 issue raised by the Examiner in relation to Claim 8, and addresses the antecedent basis issue raised by the Examiner in relation to Claim 9. Claim 23 is in condition for allowance.

Independent Claims 1 and 8:

20 Claims 1 and 8 both stand rejected under 35 U.S.C. 102(b) based upon JP-01-105473, and under 35 U.S.C. 102(b) based upon WO 89/09497. Applicant respectfully requests reconsideration as neither of these documents individually discloses the combination of features presented by either

of these independent claims. For instance, the thermal battery system of both Claims 1 and 8 requires a "means for changing said electrical energy supplying assembly from a non-operating condition to an operating condition", that includes a wire heating assembly, and that is devoid of any pyrotechnics (e.g., page 6, lines 23-25). Both of the above-noted documents would appear to use a combustible material to elevate the temperature of the battery to an operable condition. Applicant's invention of Claims 1 and 8 does not use pyrotechnics and is reusable, which offers significant advantages.

Based upon the foregoing, independent Claims 1 and 8 are allowable over both JP-01-105473 and WO 89/09497. All claims depending from these two claims are therefore also allowable over these two documents for the above-noted reasons. There is therefore no need to separately address the patentability of each of these claims and/or the Examiner's interpretation in relation to any such claims or any of the references of record in relation thereto.

New Independent Claim 16:

Claim 16 is a thermal battery system that includes a "means for heating" an electrolyte of a plurality of battery cells from a non-conductive state to a conductive state, that includes a heater that is disposed about the plurality of battery cells, that is devoid of any pyrotechnics, and where both the plurality of battery cells and heater are contained within an enclosure. Both of the documents cited as 102 rejections in the outstanding Office Action again would appear to use a combustible material to elevate the temperature of the battery to an operable condition.

Supplemental Information Disclosure Statement:

Enclosed is a Supplemental Information Disclosure Statement that includes the reference noted at page 2, line 10 of the above-captioned patent application.

5 Conclusion:

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

10 Respectfully submitted,

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